


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of )  
Hiroshi SANO et al. )  
Application No.: 09/971,020 )  
Filed: October 5, 2001 )  
For: THEOBROMINE SYNTHASE )  
POLYPEPTIDE OF COFFEE PLANT )  
AND THE GENE ENCODING SAID )  
POLYPEPTIDE )

MAIL STOP AFTER FINAL  
Group Art Unit: 1638  
Examiner: Ashwin D. Mehta  
Confirmation No.: 3752



**DECLARATION PURSUANT TO**  
**37 C.F.R. §§ 1.821-1.825**

Commissioner for Patents  
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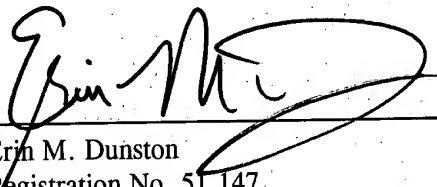
Sir:

I, Erin M. Dunston, declare as follows:

1. That the content of the paper and computer-readable copies of the Substitute Sequence Listing, submitted in accordance with 37 C.F.R. §1.821(c) and (e), respectively, are the same and in compliance with §1.821(f).
2. That the data contained in the Substitute Sequence Listing, both the paper and computer-readable copies, is the same as that originally-filed, yet now also contains SEQ ID NOs. 9-22. Support may be found for SEQ ID NOs. 9-22 at least at Paragraph 0018 of the Specification.
3. Accordingly, this submission does not include new matter.

I hereby declare that all statements made herein of my own knowledge are true and that all statements were made on information and belief and are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

November 19, 2003  
Date

  
Erin M. Dunston  
Registration No. 51,147